

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
	Plaintiff,)
)	
v.)	Case No. 6:14-cr-03106-MHD
)	
)	
CARLOS TAPIA)	
	Defendant.)

SENTENCING MEMORANDUM

Comes now Carlos Tapia, by and through counsel and files this Sentencing Memorandum and would state as follows:

District courts have discretion in determining sentences according to the provisions of 18 U.S.C. § 3553(a). *United States v. Booker*, 543 U.S. 220, at 259-60(2005). Section 3553(a)(2) states that a district court should impose a sentence sufficient, but not greater than necessary . . . (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed . . . training, medical care, or other correctional treatment . . .

Section 3553(a) further provides that the district court should weigh factors such as “the nature and circumstances of the offense and the history and characteristics of the defendant;” “the kinds of sentences available;” “the [applicable] sentencing range[;]” the articulated policy goals of the guidelines; “the need to avoid unwarranted sentence

disparities” among similar defendants; and “the need to provide restitution to any victims of the offense.” § 3553(a)(1), (3)-(7).

Mr. Tapia has no prior criminal history. He has not previously been on supervised probation. He has not previously been incarcerated in the Department of Corrections or the Bureau of Prisons. A sentence of 96 months would provide just punishment and deterrence to future criminal conduct in this case.

Mr. Tapia would benefit from both substance abuse treatment and education from the Bureau of Prisons. His substance abuse history goes back to approximately age 14. Further treatment and education can be provided to Mr. Tapia in a Bureau of Prisons setting. Mr. Tapia requests that the court order that he be placed in a facility for possible participation in the 500-hour drug treatment program.

CONCLUSION

For the reasons stated above and all the considerations under 3553(e), Mr. Tapia requests a sentence of 96 months. Letters from friends and family of Mr. Tapia are attached as Exhibits to this Memorandum.

/s/ Teresa Grantham Fiester
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CERTIFICATE OF SERVICE

I do hereby certify that a true and accurate copy of the foregoing was e-mailed via ECF system to the United States Attorney's Office this 9th day of February, 2017.

/s/ Teresa Grantham Fiester

TERESA GRANTHAM FIESTER